

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL LEE MYERS,

Plaintiff,

v.

DR. GADDIS, et al.,

Defendants.

Civil Action No. 05-319 Erie

MEMORANDUM ORDER

This civil rights action was received by the Clerk of Court on October 25, 2005, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 10], filed on January 30, 2006, recommended that the action be dismissed for failure to prosecute. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail and on Defendants. No objections were filed. After de novo review of the complaint and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 21st day of February, 2006;

IT IS HEREBY ORDERED that the Plaintiff's civil rights action is DISMISSED for failure to prosecute.

The Report and Recommendation [Doc. No. 10] of Magistrate Judge Baxter, filed on January 30, 2006, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge